

REMARKS

Before discussing the rejections of the present Office Action, a brief review of applicant's invention is in order.

Applicant provides for a electronic game and, more particularly, to a hand-held programmable apparatus serving as a computerized bingo aid to assist a bingo player in the conduct of the bingo game, while at the same time permits a bingo player to store and play a plurality of games of chance, including instant win/lose lottery tickets.

Applicant in claim 1, calls for a readable memory for storing blocks of data representative of predetermined numbers and representative of predetermined patterns. Claim 1 goes on to recite "said blocks of data being furnished from a media having magnetic coded information which is accessible by means moveable relative to said information of said media." More particularly, the blocks of data are furnished from a disk and a disk drive. In one embodiment, applicant provides provisions for establishing communication paths for another computer to assist or monitor the performance of a game of chance.

Applicant's programmable apparatus, having its block of data furnished from a disk, has many-benefits and does not suffer from the drawbacks experienced by prior art devices, such as that disclosed in the primary reference of Birenbaum et al (U.S. Patent 4,768,151). For example, Birenbaum et al used a memory module serving as a ROM (Read Only Memory) and provided in the form of a plug-in cartridge having a chip or integrated circuit. The original information (memory contents) on the integrated circuit is placed therein by a special programming device. The original information for the integrated circuit must either be provided via manual entry to the device or via information provided to a port on the special programming device. Once the information is fed to the programming device, the device will then permanently store the information into the integrated circuit. That integrated circuit must then be physically soldered or plugged into a special socket of the cartridge. That cartridge must then be physically delivered to the device to install the new (original) information.

Therefore, any changes required within the memory of the plug-in cartridge of the Birenbaum et al reference must

be reinstalled within an integrated circuit. The integrated circuit must be programmed by a special programming unit to include the changes and physically installed within the plug-in cartridge. That plug-in cartridge must then be physically shipped to wherever the unit that requires changes is located. This method is laborious, time consuming and not very cost effective.

The system of the present invention is not taught or suggested by the Birenbaum et al reference. The system of the present invention can be used to accommodate any changes in the manner in which the games are conducted by simply being programmed from a disk located on or within any personal computer. The information for the disk can be created on site, sent via modem to the site requiring the changes, or even sent via e-mail to the site where the system of the present invention to be programmed is located. The personal computer could then readily reprogram the system of the present invention. The process is quickly and efficiently performed versus the process of the cartridge system of the prior art characterized by Birenbaum et al.

Claims 1, 3, 6, 10, 11, 13-15, and 17 stand rejected under 35 USC §102(b) as being anticipated by Birenbaum et al (U.S. Patent 4,768,151). Applicant respectfully disagrees with this rejection for the reasons given hereinbelow and requests reconsideration.

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The Examiner in his rejection appears to be ignoring the applicant's claim limitations which must not be ignored, as clearly pointed out by the courts, for example, as discussed in Carl Schenck, A.G. vs Norton Corp., 713 F.2d782,218 USPQ 698 (Fed.Cir. 1983). More particularly, the Examiner can not ignore applicant's claim limitation of "a readable memory for storing blocks of data representative of predetermined numbers and also representative of predetermined patterns, said block of data being furnished by media having magnetic coated information which is accessible by means movable relative to said information of said media." Applicant's recitation of the elements of claim 1 is not anticipated, disclosed or rendered obvious by the teachings of the Birenbaum et al reference.

The cited Birenbaum et al Patent disclose in Fig. 3 a plug-in memory module 14, which in column 3, lines 52-64 is

described as storing identification numbers. This memory module 14 provides the means for accessing information which is not the magnetic information recited in claim 1 of the present application. More particularly, in a manner as previously discussed, the information in the memory module 14 of Birenbaum et al must be originally placed onto an integrated chip by a special programming device with the integrated circuit then soldered or plugged into the memory module 14 and, when changes are needed, an integrated circuit must be programmed or reprogrammed by the special programming unit and then shipped to wherever the unit requiring the changes is located. Applicant's invention does not suffer the drawbacks of the Birenbaum et al reference.

Further, Birenbaum et al in column 4, lines 6-9 contemplates that if the memory module is not available for a particular card, then the number configurations can be manually entered into the unit. Again, even in a back-up situation, Birenbaum et al does not suggest the usage of the magnetic information recited in claim 1.

Applicant's independent claim 1 calls for the use of the magnetic information accessed by a rotatable device and

claims 13 and 14 call for the utilization of the magnetic information accessed by a rotatable device in the conduct of different program schedules of the games to be played. Claims 13 and 14 of applicant's invention call for readable memory that is encoded with information relative to bingo and lottery games. The encoding of memory is performed via a communications port which the device of Birenbaum et al does not possess.

Applicant's independent claims 1, 13, and 14 recite a system having access to a vast amount of data stored on disks, which is contrary to the system of Birenbaum et al limited to the use of a plug-in memory module. Nothing within the four corners of Birenbaum et al mention or even suggest whatsoever of using magnetic information stored on a disk or suggests any construction that anticipates, discloses, or renders obvious applicant's invention recited in any of independent claims 1, 13, or 14.

Claims 3, 6, 10, 11, 15, and 17 are dependent on either independent claims 1, 13, or 14 and thus in the context of their corresponding independent claims, recite further details of applicant's invention. Claims 3, 6, 10, 11, 15, and 17 are considered patentably distinguishable

over Birenbaum et al for the reasons given for independent claim 1, 13, or 14.

For the reasons given above, it is respectfully solicited that the 35 U.S.C. §102(b) rejection of claims 1, 3, 6, 10, 11, 13-15, and 17 be withdrawn and that these claims be found allowable.

Claims 5, 7, 8, 12, and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Birenbaum et al. Applicant respectfully disagrees with this rejection for the reasons given hereinbelow and requests reconsideration:

Claims 5, 7, 8, 12, and 16 are dependent on corresponding independent claims 1, 13 or 14 and thus in the context of these independent claims recite further details of applicant's invention.

Claim 5 of applicant's invention calls for a security key (40) which is hardware based and which is not the software based "pass words" and "pass codes" referred to by the Examiner.

Claim 16 recites in part "...said readable memory further prestores a computer file containing an assortment of game schedules, each of said game schedules predefining the type, brand, cut and collation of bingo cards to be played upon along with the game patterns against which said bingo cards are to be played." The response of the Examiner relates only to the part of claim 16 that discusses bingo cards. No response is given in regards to the prestoring of game schedules. The Birenbaum et al patent makes no mention of game schedules in this 35 USC §102 rejection. With regard to the cited reference of Richardson, it should be noted that claim 16 calls for prestoring multiple game schedules, whereas Richardson appears to have only one game schedule. This is not merely a distinction of form but of substance.

In addition to the above reasons given for claims 5 and 16, claims 5, 7, 8, 12, and 16 are considered patentably distinguishable over Birenbaum et al for the reasons given for their independent claim 1, 13, or 14.

For the reasons given hereinabove, it is respectfully solicited that 35 U.S.C. §103(a) rejection of claims 5, 7,

8, 12, and 16 be withdrawn and that these claims be found allowable.

Claims 2, 4, and 9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Birenbaum et al in view of Richardson (U.S. Patent 4,747,600). Applicant respectfully disagrees with this rejection for the reasons given hereinbelow and respectfully requests reconsideration.

As discussed with regard to claim 1, Birenbaum et al utilize a memory module, which is not the structure of the limitation recited in applicant's claim 1 of "said blocks of data being furnished from a media having magnetic recorded information which is accessible by means movable relative to said information on said media." This void is not filled by Richardson et al.

Richardson et al discloses a bingo system comprising three major components including a system base station 10, a plurality of BINGO or gaming boards 12 and a plurality of validation units 14. The system base station 10 includes a keyboard, and a disk drive 26 connected to a data processing system.

Unlike the system base station 10 of Richardson et al Birenbaum et al disclose a replaceable memory module inserted into a hand carried unit. There is no teaching or suggestion that would motivate a person skilled in the art possessed of common sense to incorporate the disk drive 26, or the validation units 14, of the system based station 10 of Richardson et al into the hand-held device of Birenbaum. Accordingly, the Examiner's suggested combination would not be followed by those skilled in the art as being without merit.

Also it should be pointed out that applicant's invention utilizes a modem for a communications link. Modem communications can be hard-wired or wireless. The Richardson device uses a hard-wired system which has limitations. Further, Richardson also uses validation units which are not needed by applicant's invention. The Richardson reference teaches away from Applicant's invention.

Also, the present invention describes a method that allows for communications with others devices that may take into account a Local Area Network (LAN) or a Wide Area

Network (WAN). LANs are usually located at one geographic site, whereas WANs are at separate geographic sites, with all such sites being contemplated by the present invention.

Claims 2, 4, and 9 are dependent on independent claim 1 and thus in the context of independent claim 1 recite further details of applicant's invention. These dependent claims are considered patentably distinguishable over the cited art for the reasons given for claim 1.

For the reasons given hereinabove, it is respectfully solicited that the 35 U.S.C. §103(a) rejection of claims 2, 4, and 9 be withdrawn and that these claims be found allowable.

With regards to the cited patents of interest, nothing alone or in combination with the patents of interest and Birenbaum et al or Richardson anticipates, teaches, suggests, or renders obvious applicant's invention. More particularly, each of the cited patents of interest does not teach, suggest or render obvious applicant's invention for the reasons given hereinbelow.

Gulz et al (U.S. Patent 4,378,940 ('940)) disclose an electronic device comprising a master controller, a card-input assembly that accepts numbers as well as patterns, and indicates visual and optionally audible means when a win (i.e., "bingo") occurs. The electronic aid of the present invention is not burdened with means for reading numbers on bingo cards and subsequently storing the representations thereof as the set of data numbers.

Itkis (U.S. Patent 4,445,025 ('025)) is directed to an electronic card and board game which is assisted by a microprocessor in the selection of random numbers for the game. The electronic aid of the present invention does not utilize random number selections.

Bolan (U.S. Patent 4,475,157 ('157)) is directed to an electronic bingo-playing apparatus, and a method of operation thereof, which can store the contents of information from a plurality of standard bingo cards with the information being entered at the keyboard. The '157 patent further is responsive to set-up mode and load mode signals for accessing the bingo card content on which the data is entered. The electronic aid of the present invention is not burdened with neither an apparatus nor a

method for entering the contents of a bingo card into a computer by means of a keyboard.

Troy et al (U.S. Patent 4,494,197 ('197)) is directed to a wagering system having a central processor and a plurality of playing consoles that are remote from the central processor, with the consoles being capable of providing input data to the central processor. The bingo aid of the present invention does not include the use of a central processor and a plurality of playing consoles, while at the same time provides for an electronic game aid that uses a processor to assist the operator by the use of prestored quantities.

Henkel (U.S. Patent 4,651,995 ('995)) is directed to a game device for simultaneous playing of a plurality of bingo games. The '995 patent has a keyboard for manually loading coded representations of many bingo cards, which enable a player to program his own game, and to play a variety of other games simultaneously. The electronic aid of the present invention is not burdened with the need of entering coded representations of bingo cards.

DiFrancesco (U.S. Patent 4,661,906 ('906)) discloses a special purpose microcomputer which allows for the simultaneous playing of a plurality of bingo cards. The bingo game includes a calculation circuit comprised of an 8-bit microprocessor chips which computes output instructions; i.e., processes bingo game information. The calculation circuitry includes means for skipping bingo stored card information for comparison when two different comparisons between "called" and "stored" bingo numbers are obtained. The electronic aid of the present invention is not burdened with the calculation circuit of DiFrancesco.

Richardson (U.S. Patent 4,798,387 ('387)) discloses a bingo gaming board that operates in two modes; a load mode and a play mode. During the load mode, a numerical array selected by a player is inputted to a display, one number at a time by depressing appropriate keys on a keyboard. The electronic aid of the present invention is not limited to entering information from a keyboard into the processor during the load mode of operation.

Although not listed on the "Notice of References" cited, it is believed that Fields et al, referred to by the Examiner, is U.S. Patent 5,157,602 ('602) which discloses a

device for generating winning Lotto and Keno combinations. The device comprises means for inputting a number comporting to a total size of a lottery number polled. The electronic aid of the present invention does not include the burden of comporting for a total number of lottery numbers polled.

Fitzpatrick et al (U.S. Patent 5,356,144 ('144)) are directed to a hand-held lottery number generator having means for generating a plurality of random numbers akin to the numbers generated by the rolling of a pair of dice or the spinning of a roulette wheel. The electronic aid of the present invention does not employ a random number generator.

Simunek (U.S. Patent 5,401,024 ('024)) discloses a Keno type amusement device utilizing a microprocessor that generates random numbers. The electronic aid of the present invention has no need for generating random numbers.

Capetta (U.S. Patent 5,494,294 ('294)) discloses an amusement game wherein players seek an award by selectively starting and stopping a random number generator so as to

match an indicia of the random number generator with an indicia of the player's playing card. The bingo aid of the present invention is not limited by a random number generator.

Reibel et al (U.S. Patent 5,507,489 ('489)) disclose an electronic game of chance device having memory storage reference data, and a comparator to compare the reference data and the game data inputted by a player to values generated in a random manner. The electronic aid of the present invention is not limited to the need of generating data in a random manner.

For the reasons given hereinabove, it is respectfully solicited that none of the cited patents of interest in combination with either of the primary references teaches, suggests, or renders obvious applicant's invention.

It is believed that claims 1-17 are in condition for allowance and such allowance is respectfully solicited.

Respectfully submitted,
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